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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
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12 ZORAIDA PEÑA CANAL,

13 Plaintiff,

14 v.

15 MABELLE DE LA ROSA DANN, TERESA
16 VITTET DE LA ROSA, and DOES 1 to 10,
inclusive,

17 Defendants.
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Case No. 4:09-cv-03366 CW

**DECLARATION OF NANCY E.
HARRIS IN SUPPORT OF
APPLICATION AND ORDER FOR
APPEARANCE AND EXAMINATION
OF JUDGMENT DEBTORS
MABELLE DE LA ROSA DANN AND
TERESA VITTET DE LA ROSA**

1 I, NANCY E. HARRIS, declare:

2 1. I am an attorney with the law firm of Orrick Herrington Sutcliffe, LLC, attorneys
3 for ZORAIDA PEÑA-CANAL. I am duly admitted to practice law in the United States District
4 Court of the Northern District of California. If called as a witness, I could and would
5 competently testify as follows:

6 2. I have represented Ms. Peña-Canal since March 2009 in connection with a
7 criminal action brought by the United States Attorney for the Northern District of California, in
8 which Ms. Peña Canal was the victim and key witness against the defendant Mabelle de la Rosa
9 Dann. I also represent Ms. Peña-Canal in civil litigation brought against Defendant Dann and
10 her mother Teresa Vittet de la Rosa for civil claims arising from Defendant Dann's wrongful and
11 criminal conduct against Ms. Peña-Canal.

12 3. On August 20, 2014, I conducted an examination of Judgment Debtor Mabelle De
13 La Rosa Dann under the supervision of Magistrate Judge Ryu.

14 4. During that August 20 examination, Ms. Dann was unprepared or unwilling to
15 answer numerous questions regarding her assets and income. For instance, she claimed not to
16 have any access to documents reflecting her current and former bank accounts. She also had only
17 limited information regarding real property owned by her. Although she provided a mortgage
18 statement from her lender at the August 20 examination, she claimed that she did not know the
19 names of her tenants or the amounts paid in rent by those tenants and would need to return with
20 that information.

21 5. Per agreement with Ms. Dann and after confirmation with Judge Ryu's clerk, the
22 date of October 1, 2014 was set as a further date to continue Judgment Creditor's examination of
23 her. Ms. Dann agreed to locate her documents and provide them at the next examination.

24 6. Accordingly, good causes exists for a further examination of Ms. Dann and
25 Plaintiff Peña-Canal requests that the Court issue an Order directing Ms. Dann to appear for a
26 further examination on October 1 at 9:30 a.m. Furthermore, Plaintiff requests that the Court order
27 Ms. Dann appear with the following documents on October 1, 2014:

28 a. Documents reflecting the name of the banking institution, account numbers

1 and current balances for every bank account owned by Mabelle De La Rosa
2 Dann since January 1, 2009, including but not limited accounts held with
3 Wells Fargo bank, Chase Bank, Bank of America and Fidelity Investment
4 Company;

- 5 b. Documents reflecting the names, addresses and contact information and
6 monthly rent for each tenant residing at 100 Suntree Lane, Apartment 111,
7 Pleasant Hill, CA 94523-5156 (Assessor's ID No. 153-390-006);
8 c. State and Federal income tax returns for each year since 2009 to the present;
9 and
10 d. Documents reflecting any debts or other obligations owed to Mabelle De La
11 Rosa Dann by any other person.

12 7. Ms. Dann claimed that the documents reflecting her accounts and income were in
13 the possession of her mother Teresa Vittet De La Rosa. She also stated that she is currently
14 residing with Ms. Vittet, pursuant to a home detention arrangement with the Bureau of Prisons.
15 Although Ms. Vittet attended the examination of Ms. Dann on August 20, she was unable or
16 unwilling to furnish the information that Ms. Dann claimed was in Ms. Vittet's possession. Ms.
17 Vittet is also a judgment debtor to the September 6, 2011 Amended Judgment. Accordingly,
18 plaintiff also intends to seek the judgment examination of Ms. Vittet on October 1, 2014 and
19 requests that the Court issue an order directing Ms. Vittet to appear and to furnish copies of
20 relevant documents regarding her assets and income, including:

- 21 a. Documents reflecting the name of the banking institution, account numbers
22 and current balances for every bank account owned by Teresa Vittet De La
23 Rosa since January 1, 2009, including but not limited accounts held with Wells
24 Fargo bank, Chase Bank, Bank of America and Fidelity Investment Company;
25 b. Documents reflecting the names, addresses and contact information and
26 monthly rent for each tenant residing at 100 Suntree Lane, Apartment 111,
27 Pleasant Hill, CA 94523-5156 (Assessor's ID No. 153-390-006);
28 c. Documents reflecting the ownership of the real property in which Ms. Vittet

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- resides;
- d. Documents reflecting any ownership interest in any motor vehicle;
 - e. State and Federal income tax returns for each year since 2009 to the present;
and
 - f. Documents reflecting any debts or other obligations owed to Teresa Vittet De La Rosa by any other person.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2014 at San Francisco, California.

Dated: September 8, 2014

NANCY E. HARRIS
ORRICK, HERRINGTON & SUTCLIFFE LLP



NANCY E. HARRIS
Attorneys for Plaintiff
ZORAIDA PEÑA CANAL